

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
600 MAIN SREET
SOMERS, CT 06071**

REGULAR MEETING MINUTES

TUESDAY, JUNE 12, 2012

Town Hall Lower Level Conference Room-7:30 pm

I. CALL TO ORDER:

The meeting was called to order by Chairman Robert Minch at 7:31 pm. Members present were Vice-Chairman Barbara Flebotte, Lucas Cherry, Daniel Marceau, and Dean Hills.

Absent: BJ Ferro III and Jerome Young

PUBLIC HEARING:

- 1. Philip Nelson of 82 Rose Haven Road is seeking a variance of 44.5 Ft. from the required 50 Ft. of the Somers Code Section 214-98 concerning front yard setbacks and a variance of 16 Ft. from the required 25 Ft. of the Somers Code Section 214-98 concerning the side yard setbacks to construct a deck.**

The Legal Notice was read to the audience. Mr. Nelson was present for the hearing. Mr. Nelson made a presentation to the board regarding his request to replace and extend his existing deck to wrap around the side and front of his house per the drawing provided to the Board. The deck extension would be 7 Ft. wide

It was noted that the deck cannot be built in the back of property due to the shape of the lot and septic system being in the back of the house.

Also discussed was a general concern of how the deck/property would be affected if the road in front of the house was ever widened. It was also stated that the plowing of the road by the Town would not be an issue since the family has a signed agreement stating they maintain that Right of Way regarding plowing, etc.

It was clarified by Mr. Nelson that the deck would not be made any larger. The plan is is to only replace the existing deck and stairs. The only change is the deck extension. It does not get any closer to the road. Appropriate abutter's notices have been sent out regarding the deck extension. Mr. Nelson showed the proof from the Post Office that the notices were sent out. Mr. Nelson stated he spoke with his neighbor and he is fine with the proposed new side line variance.

PUBLIC HEARING DISCUSSION/DECISION:

- 1. Philip Nelson of 82 Rose Haven Road.**

Mr. Minch noted the only real change would be the distance to the side yard. The deck will be no closer or extend farther than the existing landing does.

Mr. Marceau made a motion to end discussion on the proposal of Philip Nelson and vote. Mr. Hills seconded it, motion carried. Voting began.

All members voted in favor of the proposed variance. Vote was unanimously in favor, variance granted.

It was suggested by Ms. Flebotte that when the notice is published in the *Journal Inquirer* the address be listed as what is on the deed, which is 7 Cook Rd. Mr. Minch will speak with Mike D'Amato regarding this issue to ensure proper publication.

II. OLD BUSINESS

Mr. Minch discussed whether or not to leave the definition of an *abutter* out of the Applicant's Guide revisions. For the time being, the definition of *abutter* will not be included in the guide. All the other changes have been made.

A motion was made by Mr. Hills for the Board to review edits/changes to the Applicant's Guide and approve it. Mr. Marceau seconded it, motion carried. Add to Old Business.

Mr. Minch began a discussion regarding a denied application on South Road under Old Business. Mr. Hills did stated he did not think it should be discussed since it was not on the agenda. Mr. Hills felt Robert's Rules should be followed and felt the public should have the opportunity to come to the meeting if they were interested in the South Road issue. Mr. Hills stated that if the item is not on the agenda, then the public would not know it was being discussed and, therefore, would not have the opportunity to give input. Mr. Minch disagreed it needed to be on the agenda to be discussed. Discussion of South road was continued by Mr. Minch.

Mr. Minch made the board aware that property owners on South Road had put up a horse barn without permission after receiving a denied application with the town. A letter has gone out to the property owners to contact the land office regarding the violation.

III. NEW BUSINESS

The Board is still searching for a replacement for Fredrick Krein. Lisa Pellegrini and the Board of Selectmen have a candidate in mind and will be getting back to Mr. Minch in the next few days regarding this person.

IV. CORRESPONDENCE AND BILLS

NONE

V. MINUTES APPROVAL -MAY 8, 2012

A change needed to be made to the wording on the first page under Public Hearing/Discussion:

Clarification will be noted in italics: Robert Kibbe is seeking a 23 Ft. variance at the rear of his 1/3 acre property at 42 Kibbe Rd. *for placement of a shed per the drawing provided.*

A motion was made by Mr. Marceau to approve the minutes as revised. Mr. Cherry seconded it, motion carried. Minutes approved as revised.

VI. ADJOURNMENT

A motion to adjourn the Zoning Board of Appeals regular meeting was made at 8:40 by Mr. Marceau. Seconded by Mr. Hills, all in favor, motion carried.

MINUTES ARE NOT OFFICAL UNTIL APPROVED AT SUBSEQUENT MEETING